

1859-013
Lee Co.

Chancery Causes: William L. Stubblefield vs John B. Proffitt &

John ~ Crockett

CA - Contract Dispute
T - Slavery
Property

To the Worshipped The county Court of Lee
County in chancery sitting. The bill of
complaint of William L Stubblefield
respectfully represents that on the day of
Sept 1846 your orator married the daugh-
ter of John B Proffitt a resident of Hawkins
County Tennessee and the said Proffitt ^{afterwards} gave
your orator a negro child named John then
about four years old. Your orator brought
the said negro child to Jonesville Lee County Va
where he resided and retained the possession
of said negro about three years. Your
orators said wife died about the day of March
1854 leaving ^{two of whom are still living} ~~three~~ children, the grandchildren
of said Proffitt ^{two of whom} ~~are~~ are still living. After
the death of your orators said wife the said
John B Proffitt about the day of August 1855
paid your orator a visit at Jonesville and upon
taking leave of your orator he importuned your
orator to pay him the said Proffitt a visit at
his the said Proffitts residence in Tennessee
and to bring the said negro boy John also to
see its mother who desired very much to see
it and he the said Proffitt pressed the said
invitation, ~~and~~ your orator promised to
go to see him the said Proffitt at a time
specified and according to promise your
orator, believing that the said Proffitt was
sincere in his expressions of friendship and
paternal attachment, went over to the residence
of said Proffitt in Tennessee to pay him the
said visit and took the boy John along to see
his mother, where to the utter astonishment

of your orator the said Droffitt run the said
boy John off and refused to deliver the said
negro to your orator upon your orators return
home and has converted your orators said
negro to his the said Droffitts own use by
reason whereof the said Droffitt has become
liable to your orator for the value of your
orators said negro and your orator avers that
his said negro is worth seven hundred dollars
which sum the said John B Droffitt owes and
is indebted to your orator for said negro which
he has retained and converted to his own use
as aforesaid and the object of this suit is
to obtain a decree against the said John B
Droffitt who is a non resident of this Common-
wealth for the value of said negro and to subject
the effects of said Droffitt within the jurisdiction
of this court to the payment of your orators said
debt. Your orator would further state that
he has reason to believe that Stephen S Crockett
is indebted to said John B Droffitt but what the
amount of indebtedness is your orator does not
know ~~The said John B Droffitt also owns~~

~~as follows~~ ~~where the sheriff can get~~
~~reference of~~ Your orator also on the day
of 1854, executed a note to the said
Droffitt for the sum of \$100.00 payable on
the day of 18 on which your
orator has paid \$10.00 and the balance of
said note and interest your orator owes
the said Droffitt ~~all~~ ^{with all the} effects of the
said Droffitt known to your orator within

the jurisdiction of the court subject to
foreign attachment and your orator
being without an adequate remedy at
Common law and relievable only in a
Court of equity His prayer therefore is that
the said John B Droffitt & Stephen S Crockett
be made party Defts to this bill and be
required to make full true and perfect
answer thereto on oath ~~that the sheriff~~
~~of this county be ordered to take possession of~~
~~said~~

~~the property of said Droffitt and had the~~
~~same subject to the future decree of the court~~
that the said Deft Stephen S Crockett be
restrained by said order from paying conveying
away or ~~disposing of in any way~~ ^{disposing of in any way} the debts by him owing to
or the effects in his hands belonging to said
absent Deft Droffitt until the further
order of the Court that by the said order
of your Honors the said absent Deft
Droffitt be restrained from proceeding
to collect the said debt due from your
orator to the said Droffitt until the
matters herein contained can be fully heard
and adjudicated. That an order of
publication be made against said absent
Defendant Droffitt. That upon a final
hearing of the Case a decree be rendered
by your Honors in favour of your orator
against said absent Deft Droffitt for the
amount of your orators said debt interest and
costs subject to deductions for the amount of
said debts and effects of said Droffitt within the
jurisdiction of the court and that such other and

further relief be extended by your worships to
your orator in the premises as to justice and equity
belongs and is sealed to his case. May it please
your worships to grant the counsellors writ of Habeas Corpus
Habeas

Lee County Court

This day Wm L Stubblefield personally came
before me the undersigned a justice of said County and
made oath that the statements contained in the
foregoing bill are true so far as they depend upon his
own knowledge and that so far as they depend upon
the information derived from others he believes them
to be true given under my hand this 20 day of
July 1857

A. N. Dickinson JP

Wm L. Stubblefield

VS Bill

John B. Proffitt &c

1857 July terms Bill filed
and in junction

22.

Sept. granted

Aug. Term. 1858, Injunction is

this day dissolved

Oct. court

Nov. continued, Jan. 1859

March continued

April continued,

Bound

Filed to Sep 1866, old Sub Book 202

The Answer of John B. Proffitt to the Bill of
complaint of William L. Stubblefield filed
against him in the County Court in Chancery
in the County of Lee, State of Virginia

This Respondent saving
the usual benefit of exception &c. For answer
to so much of said Bill as he is advised
it is material for him to answer unto,
Answers and says - That it true that the complain-
ant married the daughter of ~~this~~ Respondent
about the time stated in the Bill but it is
utterly untrue that Respondent gave to the
complainant the negro boy John mentioned
in the Bill nor did Respondent ever have
any intention of giving the said slave
to complainant as Respondent had
no confidence in him - The truth in relation
to said slave is this. he was given verbally
to John Proffitt Stubblefield, a son of complain-
ant and grandson of Respondent and given
to him on account of his having the name
of Respondent. After the death of the daughter
of Respondent who had married the
said complainant and after the death
of one of the children of complainant who
had died at the house of Respondent and
whose funeral was to be preached there
Respondent went to Lee County Virginia
to complainant's house and the complain-
ant appointed the time when he would come
to the funeral of his child at Respondent's
in the County of Jackson Tennessee,

When the complainant came over to the funeral
of Respondent said to him that he wanted
some statement from Complainant, in
writing, that the negro boy John should at
the time that Respondent's grandson John
became of age go to him - at this Complainant
became offended - and very soon left the
house of Respondent. This proposition was
made by Respondent because it was proper
in itself and was carrying out his intent
- in when he first let the negro John go into
the hands of Complainant for his said son.
And Respondent believed that it was
unsafe to trust property in the hands of
Complainant - It is untrue that Respondent
and any stranger to get possession
of the negro boy John. Respondent did not
ask Complainant to bring the boy at all nor
did he know he was to come when Respondent
was talking on the next day with Complainant
about the negro boy John who had been left
at Respondent's house. Complainant
stated that he never had any title
to the said negro and that Respondent
had the right to have taken him away
where - Complainant always knew well that
he had no right to the said negro.

Respondent further accounting
says that Complainant owes him the balance
on the note received by him and mentioned
in the Bill which note was given for a buggy.
and to him he has often promised to pay it &
now denied its justice, but finally said he

pay it when it suited him - when sent away
brought to collect the note himself - Then
Complainant files a bill for a negro to which
he never had the shadow of a claim and
when the said negro has been in possession of
Respondent for about two years - where
Respondent intends to keep him that he may
go his grandson or his sister and not be squan-
dered by Complainant - Respondent
has answered all the material charges
of said Bill fully - and will claim the
benefit of a demurrer as if the same
was formally drawn out -

Respondent repeats
that his only object in retaining the ownership
& possession of the said negro is for the benefit
of his grandson or granddaughter, rather
than to prevent the negro to go into the
hands of Complainant who has so far given
no evidence of his ability to retain & make
property - Respondent feels that in his own
hands the negro is safe and that he has
the right to his possession & will retain it -

Noted and Sherkell
Solicitors

State of Tennessee, This day personally appeared
Hawkins County, one the undersigned - J. B. Proffitt

J. B. Proffitt the Respondent
in the foregoing answer and made oath in due form
of law that the facts therein stated are true to the
best of his knowledge information & belief
sworn to & subscribed before

me 24th Decr 1857
J. H. Munton of

J. B. Proffitt

John B. Crockett

Ans J. Anderson

W. L. Stubblefield

1857 Sept. Ans. filed